

Marybelle Nzegwu (SBN 255339)
 Brent Newell (SBN 210312)
 CENTER ON RACE POVERTY & THE ENVIRONMENT
 47 Kearny Street, Suite 804
 San Francisco, CA 94108
 Telephone: 415/346-4179
 Fax: 415/346-8723
 Email: mnzegwu@crpe-ej.org

Caroline Farrell (SBN 202871)
 Ingrid Brostrom (SBN 245829)
 CENTER ON RACE POVERTY & THE ENVIRONMENT
 1302 Jefferson Street, Suite 2
 Delano, CA 93215
 Telephone: 661/720-9140
 Fax: 661/720-9483

Attorneys for Plaintiff
 Association of Irrigated Residents

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ASSOCIATION OF IRRIGATED
 RESIDENTS,
 an unincorporated association,

 Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
 PROTECTION AGENCY, LISA P.
 JACKSON, in her official capacity as
 Administrator of the United States
 Environmental Protection Agency, and
 LAURA YOSHII, in her official capacity as
 Regional Administrator for Region IX of the
 United States Environmental Protection
 Agency,

 Defendants.

Case No. 4:08-CV-05650 CW

STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME TO FILE
BILL OF COSTS AND MOTION FOR
ATTORNEY'S FEES

1 WHEREAS, on December 18, 2008, the Association of Irrigated Residents filed the
2 complaint in the above-captioned matter against the United States Environmental Protection
3 Agency; Lisa Jackson in her official capacity as Administrator of the United States
4 Environmental Protection Agency; and Laura Yoshii, in her official capacity as Acting Regional
5 Administrator for Region IX of the United States Environmental Protection Agency (collectively,
6 “EPA” or “Defendants”), alleging that EPA has failed to undertake certain nondiscretionary
7 duties under section 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2);

8 WHEREAS, this Court entered a Consent Decree on August 19, 2009 (Document #24);

9 WHEREAS, paragraph 10 of the Consent Decree allows AIR to file a bill of costs
10 pursuant to Local Rule 54-1 and a motion for costs of litigation, including reasonable attorneys’
11 fees, pursuant to 42 U.S.C. § 7604(d) and Local Rule 54-6, within 60 days after entry of the
12 Consent Decree;

13 WHEREAS, AIR and EPA have made significant progress towards settling the amount of
14 costs and attorneys’ fees and require additional time to complete a settlement prior to the October
15 18, 2009 deadline for AIR to file a bill of costs and motion for attorneys’ fees;

16 WHEREAS, AIR and EPA seek to conserve litigant and judicial resources and believe
17 that a 60-day extension will allow the parties to resolve costs and fees without placing a burden
18 on the Court;

19 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through
20 their undersigned counsel, hereby stipulate to the entry of an order that:

21 1. Continues the deadline for AIR to file a bill of costs pursuant to Local Rule 54-1
22 and a motion for costs of litigation, including reasonable attorneys’ fees, pursuant to Local Rule
23 54-6, for an additional 60 days from October 18, 2009 to December 17, 2009.

24 ///

25 ///

26 ///

27 ///

COUNSEL FOR PLAINTIFFS:

Dated: October 9, 2009

/s/ Brent Newell
BRENT NEWELL
Center On Race, Poverty & the Environment
47 Kearney Street, Suite 804
San Francisco, CA 94108
Phone: (415) 346-4179
Email: bnewell@crpe-ej.org
*Counsel for Plaintiff Association of Irrigated
Residents*

COUNSEL FOR DEFENDANTS:

Dated: October 9, 2009

JOHN CRUDEN
Assistant Attorney General
Environment & Natural Resources Division

/s/ Rochelle L. Russell
ROCHELLE L. RUSSELL
Trial Attorney,
U.S. Department of Justice
301 Howard Street, Suite 1050
San Francisco, CA 94105
Tel: (415) 744-6566
Email: rochelle.russell@usdoj.gov
Counsel for Defendants

IT IS SO ORDERED.

10/15/09

Dated: _____



Hon. Claudia Wilken
United States District Court Judge